

## **Senate Bill No. 861**

### **CHAPTER 668**

An act to amend Section 31683 of the Food and Agricultural Code, and to add Chapter 7 (commencing with Section 122330) to Part 6 of Division 105 of the Health and Safety Code, relating to dogs.

[Approved by Governor October 7, 2005. Filed with  
Secretary of State October 7, 2005.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 861, Speier. Animals: dogs: spay, neuter, and breeding programs.

Existing law sets forth provisions relating to veterinary public health and safety, as specified. Existing law also provides for or regulates spay, neuter, and breeding programs for animals, as specified.

This bill would authorize local governments to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances. This bill would require those jurisdictions that do implement such programs to provide quarterly statistical reports relating to dog bites to the State Public Health Veterinarian, as specified. The bill would make conforming changes to related provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31683 of the Food and Agricultural Code is amended to read:

31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Except as provided in Section 122331 of the Health and Safety Code, no program regulating any dog shall be specific as to breed.

SEC. 2. Chapter 7 (commencing with Section 122330) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

#### **CHAPTER 7. SPAY/NEUTER AND BREEDING PROGRAMS FOR ANIMALS**

122330. The Legislature finds and declares all of the following:

(a) Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at

local shelters, and escalating costs for animal care and control; this irresponsible breeding also contributes to the production of defective animals that present a public safety risk.

(b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

(c) It is therefore the intent of the Legislature in enacting this chapter to permit cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals

122331. (a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to subdivision (a). These statistics shall be submitted quarterly to the State Public Health Veterinarian.